

SENATE BILL 2654
By Cooper

AN ACT to amend Tennessee Code Annotated, Title 16, Chapter 15; Title 29, Chapter 18 and Title 66, Chapter 7, relative to the disposition of disputes between landlords and tenants concerning abandoned property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 18, is amended by adding the following as a new, appropriately designated section:

§ 29-18-135.

(a) The judge of the general sessions court may appoint one (1) or more suitable persons to act as referees at the pleasure of the judge. A referee must be a member of the bar. The judge shall establish the compensation of a referee, and that compensation must be approved by the county legislative body. A referee's compensation must be paid from public funds.

(b) The judge may direct that any actions for forcible entry and detainer arising between a landlord and tenant must first be heard by the referee, provided the general sessions court has jurisdiction over the action.

(c) The referee must hear actions in the manner provided for the hearing of cases by the court. A referee has the same authority as the judge to issue any and all process. The referee in the conduct of the proceedings has the powers of a trial judge.

(d) Upon the conclusion of the hearing in each case, the referee must transmit to the judge all papers relating to the case, including the referee's written findings and recommendations.

(e) Any party may file a request with the court for a hearing by the judge of the general sessions court within five (5) days, excluding nonjudicial days, of a hearing by a referee. The judge must allow a hearing if requested as prescribed. In addition, the

judge may, on the judge's own motion, order a rehearing of any matter heard before a referee. Unless the judge orders otherwise, the recommendation of the referee shall be the decree of the court pending a rehearing.

(f) If no hearing before the judge is requested or if the right to a hearing is waived, then the findings and recommendations of the referee become the decree of the court when confirmed by an order of the judge. The final order of the court is proof both that the matter was duly referred to the referee and that the findings of the referee were confirmed. A party may appeal such order pursuant to the provisions of this title.

SECTION 2. Tennessee Code Annotated, Section 66-7-109, is amended by adding the following as a new subsection designated as follows:

(e) Upon proof satisfactory to the general sessions court, or its duly appointed referee, that the property has been abandoned by the tenant, the general sessions court may waive the notice requirement in subsection (a) or subsection (b), and may issue a warrant for the removal of the tenant's personal property effective immediately.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring

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